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21 AUG 2007

In re Application of  
Uber, III et al.  
Application No.: 10/599,366  
PCT No.: PCT/US05/07829  
Int. Filing Date: 11 March 2005  
Priority Date: 11 March 2004  
Attorney Docket No.: IN/04-002PCT.US  
For: Energy Assisted Medical Devices,  
Systems And Methods

DECISION  
ON  
PETITION

This is in response to the renewed petition to revive under 37 CFR 1.137(b) filed on 30 July 2007.

**DISCUSSION**

In a Decision mailed on 11 June 2007, the petition under 37 CFR 1.137(b) filed on 26 September 2006 was dismissed without prejudice because

Regarding **requirement (3)**, the petition filed on 26 September 2006 does not identify the application to which it is directed, nor has it been signed by a licensed practitioner (nor by all of the applicants). Therefore, it would not be appropriate to conclude that requirement 3 has been satisfied.

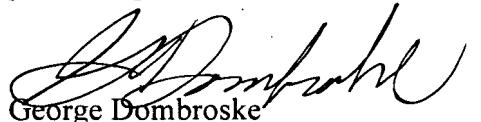
In response, petitioner has now filed a signed petition form (Form PTO/SB/64/PCT) including an appropriate statement of unintentional delay. As such, all of the requirements of 37 CFR 1.137(b) have now been satisfied.

**DECISION**

The petition under 37 CFR 1.137(b) is **GRANTED**.

Petitioner's Deposit Account 13-2530 is being charged for the \$1500.00 petition fee, as mentioned in the Decision mailed on 11 June 2007.

This application is being forwarded to the National Stage Processing Branch for further processing. Its date under 35 U.S.C. 371(c)(1), (2) and (4) is **26 September 2006**.

  
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